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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,937	02/28/2002	Petri Hyypa	042933/302191	4374
826 7590 09/05/2007 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER DOAN, PHUOC HUU	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/085,937

Applicant(s)

HYPPA ET AL.

Examiner

PHUOC H. DOAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,5-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-24 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims **1, 21, 26** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to **claim 1**, Claim limitation states such as “receiving at the user equipment control information from a management entity **independent of the merchant entity**; and updating the transaction means based on the received control **information to make it compatible with said merchant entity after a change in the transaction mechanism thereof**”. That claim limitation was not supported by original specification.

As to claim **21, 26**, Claim(s) limitation states such as “a transaction service entity of a credit card issuer adapted to generate control information to be transported to the user equipment”. That claim limitation was not supported by original specification. Therefore, the correction is required in appropriate.

*Response to Arguments*

2. Applicant's arguments filed 09/28/2006 have been fully considered but they are not persuasive.

Applicant argues on remarks, page 2 that Gray does not disclose or suggestion to provide control information to a user equipment for changing the transaction mean of the user equipment based on received control information.

In response, Gray disclose a control information to a user equipment for changing the transaction mean of the user equipment based on received control information based on a virtual transaction purchase by a user is begun on line including selecting the credit supplier. Upon receipt of the authorization form, the merchant completes the transaction/purchase and process that justified for the secure transaction, which may be processed by the card issuer as a card present (See page 4, par. [0034-0035]).

Applicant argues, that Gray does not disclose providing control information to the user equipment for updating or changing the user equipment's transaction mean that the user equipment uses to conduct transaction with the merchant.

In response, Gray discloses providing control information to the user equipment for updating or changing the user equipment's transaction mean that the user equipment uses to conduct transaction with the merchant based on received control information based on a virtual transaction purchase by a user is begun on line including selecting the credit supplier. Upon receipt of the authorization form, the merchant completes the transaction/purchase and process that justified for the secure transaction, which may be processed by the card issuer as a card present with on line transaction an ability to modify parameters on line, and providing the user with better service (See page 2 par [0014], page 4 par. [0034-0035]).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1, 5-24, and 26** are rejected under 35 U.S.C. 102(e) as being by anticipated Gray (US Pub No: 2001/0037312).

**Regarding claim 1**, Gray discloses a method in a user equipment for enabling use thereof in electronic transactions (figures 1, transaction system 100) said user equipment having transaction means for conducting a transaction with a merchant entity (page 3, par. [0023], [0029]), the method comprising: receiving at the user equipment control information from a management entity independent of the merchant entity (page 3, par. [0021], [0023]); and updating the transaction means based on the received control information to make it compatible with said merchant entity after a change in the transaction mechanism thereof (page 1, par. [0010]; page 4, par. [0035-0036]).

**Regarding claim 5**, Gray further discloses a method as claimed in claim 1, wherein at least one parameter for use in electronic transactions by the user equipment is changed based on said information from the management entity (page 3, par. [0027-0028]).

**Regarding claim 6**, Gray further discloses a method as claimed in claim 1, wherein the transaction means are initiated at the user equipment based on said information from the management entity (page 1, par. [0010]).

**Regarding claims 7, 8**, Gray further discloses wherein the user equipment is provided with hardware for the transaction means during the manufacture thereof (page 1, par. [0006-0007]).

**Regarding claim 9**, Gray further discloses a method as claimed in claim 1, wherein the information from the management entity provides the user equipment with at least one new parameter for use in electronic transactions (page 2, par. [0014]).

**Regarding claim 10**, Gray further discloses a method as claimed in claim 1, wherein the user equipment generates a message requesting for a modification of the transaction means (page 2, par. [0014]).

**Regarding claims 11, 12**, Gray further discloses a method as claimed in claim 1 (page 3, par. [0023], [0028]).

**Regarding claim 13**, Gray further discloses a method as claimed in claim 11, wherein the data entity is based on an electronic data card format (page 3, par. [0028]).

**Regarding claim 14**, Gray further discloses a method as claimed in claim 11, wherein said information is inserted in a data field of the data entity (page 3, par. [0029]).

**Regarding claim 15**, Gray further discloses a method as claimed in claim 11, wherein the data entity is based on a format that has been selected from a list comprising of: an electronic business card format; an electronic calendar format; an electronic commerce modeling language format. See (page 3, par. [0028]).

**Regarding claim 16**, Gray further discloses a method as claimed in claim 1, wherein the communication media between the user equipment and the service management entity comprises an interface that is based on at least one of the following: short message service (SMS); wireless application protocol (WAP); internet protocol (IP); a short range radio link; a proximity card type interface; an infrared link (See page 1, par. [0020]).

**Regarding claim 17**, Gray further discloses a method as claimed in claim 1, wherein the user equipment communicates with a base station of a cellular communication network (page 2, par. [0020] “user equipment such as cellular phone has to communicates with a base station”).

**Regarding claim 18**, Gray further discloses a method as claimed in claim 1, wherein said information is transmitted to the user equipment in a message containing also other information (page 3, par. [0021]).

**Regarding claim 19**, Gray further discloses a method as claimed in claim 1, comprising a step of storing said information associated with provisioning of the transaction means at the user equipment (page 3, par. [0021-0023]).

**Regarding claim 20**, Gray further discloses a method as claimed in claim 1, wherein said information is transmitted to the user equipment in association with



exchange of transaction information between the user equipment and a service provider (page 2, par. [0012]).

**Regarding claim 21, 26,** Gray discloses an arrangement for processing electronic transactions (Fig. 1, transaction system 100) comprising: a user equipment (Fig. 1, item 110); a transaction service entity of a credit card issuer “page 3, par. [0021]” adapted to generate control information to be transported to the user equipment (page 3, par. [0022-0023]); and communication means for communication between the user equipment and the transaction service entity (page 3, par. [0022-0023]), and transaction means in said user equipment (page 3, par. [0024]); wherein the arrangement is such that the configuration of said transaction means in said user equipment can be changed based on said control information transported to the user equipment via said communication means (page 4, par. [0034-0035]).

**Regarding claim 22,** Gray further discloses an arrangement as claimed in claim 21 adapted to modify existing transaction means based on said control information (page 4, par. [0032]).

**Regarding claim 23,** Gray further discloses an arrangement as claimed in claim 21 adapted to initiate transaction means based on said control information (page 1, par. [0010]).

**Regarding claim 24**, Gray further discloses an arrangement as claimed in claim 21, wherein the user equipment is provided with means for wireless communication with a co-operative device (page 3, par. [0030]).

### ***Conclusion***

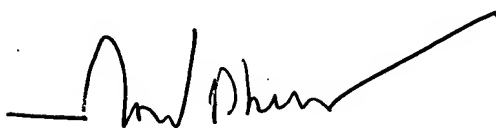
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patent Examiner

DOAN, PHUOC

08/28/07

JEAN GELIN  
PRIMARY EXAMINER

